

FILED ON: 9/17/2009

HOUSE No. 4248

The Commonwealth of Massachusetts

PRESENTED BY:

Speaker Robert A. DeLeo of Winthrop and Mr. Michael J. Moran of Boston

Resolutions expressing the sense of the House of Representatives that a temporarily appointed United States Senator should not be a candidate in the ensuing special election.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

RESOLUTIONS EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT A TEMPORARILY APPOINTED UNITED STATES SENATOR SHOULD NOT BE A CANDIDATE IN THE ENSUING SPECIAL ELECTION.

1 **WHEREAS**, THE UNITED STATES CONSTITUTION REQUIRES THAT
2 SENATORS BE ELECTED BY THE PEOPLE OF THEIR HOME STATE WHO THEY WILL
3 REPRESENT IN CONGRESS; AND

4 **WHEREAS**, THE UNITED STATES CONSTITUTION EMPOWERS STATES TO FILL
5 VACANCIES IN THE OFFICE OF UNITED STATES SENATOR, ENSURING FULL
6 REPRESENTATION, UNTIL AN ELECTION IS HELD; AND

7 **WHEREAS**, IT IS VITAL TO THE PEOPLE AND TO THE INTERESTS OF THE
8 COMMONWEALTH THAT THE PEOPLE OF THE COMMONWEALTH BE
9 REPRESENTED BY 2 UNITED STATES SENATORS AT ALL TIMES; AND

10 **WHEREAS**, UNDER THE CURRENT STATUTE A SPECIAL ELECTION CAN NOT BE
11 HELD UNTIL JUST OVER 4 MONTHS THEREBY LEAVING THE COMMONWEALTH
12 WITHOUT A UNITED STATES SENATOR FOR AN EXCESSIVE PERIOD OF TIME; AND

13 **WHEREAS**, THE JOINT COMMITTEE ON ELECTION LAWS HELD A HEARING ON
14 SEPTEMBER 9, 2009 WHEREIN THE TESTIMONY HEARD BY THE COMMITTEE WAS

15 OVERWHELMINGLY IN SUPPORT OF AMENDING THE CURRENT STATUTE TO
16 AUTHORIZE THE GOVERNOR TO MAKE AN INTERIM APPOINTMENT TO THE
17 UNITED STATES SENATE PENDING THE OUTCOME OF A SPECIAL ELECTION; AND

18 **WHEREAS,** THE COMMONWEALTH’S CONGRESSIONAL DELEGATION
19 UNANIMOUSLY SUPPORTS AMENDING THE CURRENT STATUTE TO AUTHORIZE
20 THE GOVERNOR TO MAKE AN APPOINTMENT OF AN INTERIM SENATOR PENDING
21 THE SPECIAL ELECTION; AND

22 **WHEREAS,** AN APPOINTED SENATOR WILL NOT HAVE BEEN ELECTED BY THE
23 PEOPLE, BUT WILL HAVE BEEN CHOSEN TO TEMPORARILY REPRESENT THE
24 PEOPLE; AND

25 **WHEREAS,** SITTING SENATORS ELECTED BY THE PEOPLE OF THE
26 COMMONWEALTH HAVE HISTORICALLY ENJOYED A SUBSTANTIAL ADVANTAGE
27 OF INCUMBENCY; AND

28 **WHEREAS,** A TEMPORARY APPOINTMENT MIGHT PROVIDE AN APPOINTEE WITH
29 A SIMILAR ADVANTAGE WITHOUT THE PEOPLE HAVING EXPRESSED THEIR WILL;
30 AND

31 **WHEREAS,** THE INTENT OF THE GENERAL COURT IN AMENDING THE CURRENT
32 STATUTE TO AUTHORIZE THE GOVERNOR TO APPOINT AN INTERIM SENATOR
33 PENDING THE SPECIAL ELECTION IS THAT THE INTERIM APPOINTEE SHALL NOT
34 BE A CANDIDATE IN THE SPECIAL ELECTION AND SHALL NOT ACTIVELY
35 CAMPAIGN ON BEHALF OF ANY CANDIDATE; AND

36 **WHEREAS,** THE GENERAL COURT HAS ENACTED LEGISLATION AMENDING THE
37 CURRENT STATUTE TO AUTHORIZE THE GOVERNOR TO APPOINT AN INTERIM

38 SENATOR TO REPRESENT THE COMMONWEALTH UNTIL THE SPECIAL ELECTION;
39 AND THEREFORE BE IT

40 **RESOLVED**, THAT THE MASSACHUSETTS HOUSE OF REPRESENTATIVES
41 STRONGLY DISCOURAGES A SENATOR WHO TAKES OFFICE AS A RESULT OF A
42 GUBERNATORIAL APPOINTMENT FROM BECOMING A CANDIDATE OR
43 ENDORSING ANY CANDIDATE IN THE SPECIAL ELECTION THAT IMMEDIATELY
44 FOLLOWS SUCH AN APPOINTMENT; AND BE IT FURTHER

45 **RESOLVED**, THAT A COPY OF THESE RESOLUTIONS SHALL BE MADE PUBLIC.

House of Representatives, September 17, 2009.

A D O P T E D

Steven T. James, Clerk of the House.